

COMMONWEALTH OF MASSACHUSETTS
State Building Code Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-602

Appellant(s): Michelle Oishi vz. Appellee(s): City/Town of Andover
Chris Clemente

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 1021.4.1 Railings at Fascia, of the Massachusetts State Building Code (MSBC) for The Pike School, 34 Sunset Rock Road, Andover, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on July 22, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

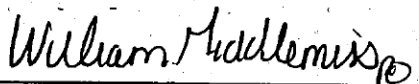
The Appellant appeared for the hearing *pro se*. Chris Clemente was present as well.

Discussion

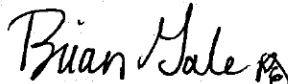
A motion was made to grant the Appellant's request for a variance from 780 CMR 1021.4.1 Railings at Fascia of the MSBC. This motion was made conditional, based upon having no loose or separate seating in the area adjacent to the railings. The appellant had submitted the appeal with loose or separate seating in order to allow viewers of the stage seated behind this railing, to turn the chairs to accommodate preferred line of sight to the stage. The motion requires instead 'joined' seating, in banks of 4 or 5, and it allows the individual seats to swivel to accommodate preferred line of sight to the stage. The board vote on this motion was unanimous.

Conclusion

The Appellant's request for a variance as from 780 CMR 1021.4.1 Railings at Fascia as described in the Discussion above, is hereby granted and so ordered² on this date: July 22, 2008.



William Middlemiss



Brian Gale



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.